

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, NOVEMBER 22, 2005 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
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**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO HOUSING AUTHORITY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Housing Authority Secretary at (619) 578-7540.

ITEM-300:                      ROLL CALL.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today’s docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under “Non-Agenda Public Comment.”

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE ===**

Adoption Agenda, Discussion, Other Legislative Items

ITEM-330: Selection of a Council President for the 2006 Annual Year.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

ITEM-331: Establishing Short-Term Automated Refuse Container Fee Schedule  
Effective December 1, 2005.  
NATURAL RESOURCES AND CULTURE COMMITTEE'S  
RECOMMENDATION: On 10/26/2005, NR&C voted 3 to 1 to approve  
the City Manager's recommendations.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-332: Approval of the 2006 Legislative Calendar.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the  
resolution.

ITEM-333: Agreement with Overland, Pacific & Cutler, Inc. to Provide a Tenant  
Impact Report Associated with the De Anza Mobile Home Park. (Mission  
Bay Community Area. District 6.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-330: Selection of a Council President for the 2006 Annual Year.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-486)

Declaring that after full discussion and deliberation by the City Council, a Councilmember will be selected as the Council President-elect to begin a one-year term commencing on January 1, 2006, as Council President, subject to confirmation by the City Council within 30 days after the vacancies in Council Districts 2 and 8 are filled.

**SUPPORTING INFORMATION:**

On November 2, 2004, San Diego voters approved a charter amendment changing San Diego's Council-Manager form of government to a Mayor-Council form of government for five years beginning on January 1, 2006.

San Diego Municipal Code Section 270(d) provides that the Council shall have the right to determine its own rules including a process for selection of a presiding officer.

On October 31, 2005, the City Council adopted San Diego Municipal Code Section 22.0101.5 – Permanent Rules of City Council for use during the five-year period that the Mayor-Council form of government is in effect. Rule 4.2 of the Permanent Rules provides that the Council, by majority vote, select a president from one of its members to serve a one-year term beginning in January of each year.

Kinsley

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS:

ITEM-331: Establishing Short-Term Automated Refuse Container Fee Schedule Effective December 1, 2005.

(See City Manager Report CMR-05-191; and City Attorney Report dated 6/13/2005, not available at the Committee.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-454)

Authorizing and directing the City Manager as follows:

1. To establish and impose a short-term fee for automated refuse containers of \$50 per container, for new service requests, replacement of non-serviceable containers no longer under warranty, and replacement of lost or stolen containers, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;
2. To establish and impose a short-term fee for non-warranty automated refuse container field repairs of \$30 per repair trip plus cost of parts and labor, effective December 1, 2005 and until a long-term replacement plan for automated containers is implemented, as set forth in City Manager Report No. 05-191;
3. To establish and impose a fee for both refuse and recycling automated container delivery services of \$30 per delivery, effective December 1, 2005, as set forth in City Manager Report No. 05-191;
4. To issue a Waste Management Regulation revising the existing automated container program to provide for the above fees;
5. To review the above short-term fees and make adjustments in accordance with Council Policy 100-055 and Administrative Regulation 95.25, to ensure that all reasonable costs of goods and services incurred in connection with the provision of these automated containers are being recovered; and

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS: (Continued)

ITEM-331: (Continued)

6. To deposit all automated container program fees into the Automated Container Fund No. 10509, to be used solely for purposes of the automated container program.

Directing the City Clerk to amend the Ratebook of City Fees and Charges to include the automated container program fees described above;

Declaring this activity is statutorily exempt from CEQA pursuant to CEQA Guidelines Section 15273 because this activity pertains to the establishment, modification, structuring, restructuring, or approval of rates, fares, tolls, or other charges by a public agency, which the City Council finds are for the purpose of meeting operating expenses and purchasing supplies, equipment or materials.

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 10/26/2005, NR&C voted 3 to 1 to approve the City Manager's recommendations. (Councilmembers Young, Frye, and Madaffer voted yea. Councilmember Maienschein voted nay.)

**SUPPORTING INFORMATION:**

The People's Ordinance of 1919, codified as Section 66.0127 of the San Diego Municipal Code, provides that "Residential Refuse shall be collected, transported and disposed of by the City at least once a week and there shall be no City fee imposed or charged for this service by City forces." Historically, from 1919 through 1994, it was the responsibility of residents and small businesses receiving City collection services to provide, maintain, repair and replace the containers used for storage and collection of refuse. In 1995, to ease the transition to automated refuse and recycling collection from manual collection, the City provided uniform automated collection containers to residences and small businesses without charge. This was done to ensure all containers would be fully compatible with new automated and semi-automated collection systems and be able to withstand the heavy industrial use. A significant portion of the City's automated collection container inventory is now approaching the end of its expected life span and warranty period. In an attempt to keep up with growing demand and the anticipated increase in container failure rates, \$220,000 was requested but not funded in the FY 2006 General Fund budget.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)

COMMITTEE ON NATURAL RESOURCES, AND CULTURE,  
RESOLUTIONS: (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

To mitigate the unbudgeted expenditures to the General Fund that occur as additional and replacement containers are required, it is recommended that effective December 1, 2005, a cost-recovery fee of \$50 per refuse container be established for all new service requests, lost or stolen containers, and non-warranty replacements. Additionally, a fee of \$30 (plus parts and labor) is proposed for non-warranty repairs on automated refuse containers and a \$30 fee is proposed to recover the cost associated with delivery of recycling and refuse automated containers. Recycling containers are provided free of charge and currently have a \$25 delivery fee. This action does not alter the free recycling container policy but brings the delivery fee in line with the current estimated cost of \$30 per container.

**FISCAL IMPACT:**

It is anticipated the proposed refuse container fees will generate approximately \$110,000, in revenue for FY 2006 allowing the City to continue to provide this service to residents until other options are evaluated. This approach allows the City to bridge short-term automated refuse container replacement issues with the longer-term need for citywide replacement of over 500,000 10-year-old automated refuse and recyclables containers reaching the end of their life. Ten-year lease purchase cost estimates for citywide replacement of all automated refuse and recyclables containers total \$24 to \$30 million.

Gardner/Heap/Monroe

Staff: Chuck Woolever - (858) 526-2355  
Grace C. Lowenberg – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

ITEM-332: Approval of the 2006 Legislative Calendar.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-481)

Adopting the schedule of meetings for the City Council and Standing Committees of the City Council, for the period of January 1, 2006 through December 31, 2006.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: Agreement with Overland, Pacific & Cutler, Inc. to Provide a Tenant Impact Report Associated with the De Anza Mobile Home Park.

(Mission Bay Community Area. District 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-414)

Authorizing the City Manager to execute, for and on behalf of City, an agreement with Overland Pacific & Cutler, Inc., to provide a Tenant Impact Report associated with the De Anza Mobile Home Park, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$185,000 from Mission Bay Park CPA, Fund No. 10160, Dept. 10160, Acct No. 4222, Job Order 000001, for the purpose of providing funds for the above referenced Project;

Declaring this activity is statutorily exempt from CEQA pursuant to State CEQA Guidelines, Section 15262.

**CITY MANAGER SUPPORTING INFORMATION:**

De Anza Harbor Resort is a residential mobile home park located on city-owned, dedicated public parkland in De Anza Cove on the northern boundary of Mission Bay Park in San Diego. The City's ground lease with De Anza Harbor Resort and Golf, LLC expired on November 23, 2003, as did the State legislation authorizing residential use on the property.

On November 18, 2003, the San Diego City Council approved Resolutions R-298609 and R-298610 regarding implementation of a transition plan to end permanent residential use on the property and return the property to park and recreational use consistent with the City Charter, the State's legislation, and the Tidelands Trust. In February 2005, the City Attorney recommended a new legal strategy including the City agreeing to perform a Tenant Impact Report.

The Tenant Impact Report will address relocation needs, relocation costs, relocation assistance, relocation benefits, replacement housing needs, replacement housing availability, appraisal of existing mobile homes, and estimated replacement housing payments.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-333: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

Upon execution of this Agreement Overland Pacific & Cutler, Inc. will provide the Real Estate Assets Department relocation services pursuant to Stipulation and Order filed February 22, 2005. This contract will allow an impartial third-party company to provide services necessary to prepare a Tenant Impact Report and Conversion, Relocation, and Replacement Housing Plan in accordance with applicable State and local sections and regulations.

**FISCAL IMPACT:**

Funds in the amount of \$185,000 are available in Fund 100.

Mendes/Griffith/DTY

Aud. Cert. 2600319.

Staff: Steve Geitz – (619) 236-6311  
Heidi Wierman – Deputy City Attorney

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT